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Title 23 - Vehicle Laws -- Inspection of Used Vehicles and Warnings for Defective Equipment

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Section 23-201 - Definitions

Universal Citation: [MD. Transportation Code § 23-201 \(2022\)](#)

- (a) In this subtitle the following words have the meanings indicated.

(b) "Emissions control program" means the program requiring and implementing the exhaust emissions test and the emissions equipment and misfueling inspection.

(c) "Emissions equipment" means any emissions control device that has been installed on a motor vehicle by a manufacturer of motor vehicles.

(d) "Emissions equipment and misfueling inspection" means an inspection to verify the presence of required emissions equipment and an inspection to determine that the vehicle has not been misfueled.

(e) (1) "Emissions related repair" means the inspection, adjustment, repair, or replacement of motor vehicle engine systems, subsystems, or components as necessary to bring a motor vehicle into compliance with emissions standards adopted in accordance with the provisions of this subtitle.

(2) "Emissions related repair" does not include adjustment, repair, or replacement necessitated by tampering or misfueling.

(f) (1) "Emissions standard" means a requirement that limits the quantity, quality, rate, or concentration of emissions from a motor vehicle.

(2) "Emissions standard" includes a requirement that relates to the operation or maintenance of a motor vehicle to assure continuous emissions reduction.

(g) "Exhaust emissions test" means the sampling and measurement of certain components of motor vehicle exhaust to determine whether the motor vehicle is in compliance with an emissions standard.

(h) "Misfueling" means the introduction of leaded fuel into a motor vehicle designed by the motor vehicle manufacturer to use unleaded fuel.

(i) "Secretary" means the Secretary of the Environment.

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Section 23-202 - Emissions Control Program for Metropolitan Baltimore Intrastate Air Quality Control Region and Maryland Portion of National Capital Interstate Air Quality Control Region

Universal Citation: [MD. Transportation Code § 23-202 \(2022\)](#)

(a) (1) Subject to subsection (d) of this section, the Administration and the Secretary shall establish an emissions control program in the State in accordance with the federal Clean Air Act.

(2) The program shall remain in effect only as long as required by federal law.

(b) (1) Subject to paragraph (3) of this subsection, the emissions control program shall provide for a biennial exhaust emissions test and emissions equipment and misfueling inspection for all vehicles of the 1977 model year and each model year thereafter.

(2) The emissions control program may not authorize an exhaust emissions test or emissions equipment and misfueling inspection for any vehicle of a model year earlier than the 1977 model year.

(3) (i) In this paragraph, "qualified hybrid vehicle" means an automobile that:

1. Meets all applicable regulatory requirements;
2. Meets the current vehicle exhaust standard set under the federal Tier 2 program for gasoline-powered passenger cars under 40 C.F.R. Part 80 et seq.; and
3. Can draw propulsion energy from both of the following sources of stored energy:
 - A. Gasoline or diesel fuel; and
 - B. A rechargeable energy storage system.

(ii) A qualified hybrid vehicle is not required to submit to a first exhaust emissions test and emissions equipment and misfueling inspection until 3 years after the date on which the vehicle was first registered in the State.

(c) By rules and regulations, the Administration and the Secretary:

(1) Shall grant a waiver to a vehicle owner if:

- (i) The vehicle fails to pass the exhaust emissions test;
- (ii) The vehicle owner exhibits evidence acceptable to the Administration that the owner, for an initial exhaust emissions test occurring:

1. In calendar years 1998 through 1999 has actually incurred an expenditure of \$150 towards emissions related repairs to the vehicle within 60 days after the initial exhaust emissions test;

2. In calendar years 2000 through 2001 has actually incurred an expenditure towards emissions related repairs to the vehicle within 120 days after the initial exhaust emissions test in an amount of:

A. \$200 for vehicles of model years 1990 and older;

B. \$300 for vehicles of model years 1991 through 1997; or

C. \$450 for vehicles of model years 1998 and newer; and

3. On or after January 1, 2002, has actually incurred an expenditure of \$450 towards emissions related repairs to the vehicle within 120 days after the exhaust emissions test;

(iii) The vehicle fails a retest, except that if the vehicle owner has exhibited evidence acceptable to the Administration that the vehicle owner actually incurred the minimum expenditure as required under item (ii) of this item for the emissions related repair to the vehicle within 30 days before the initial exhaust emissions test or the period allowed under federal law, whichever is longer, a retest is not required; and

(iv) The vehicle owner exhibits evidence that the emissions related repairs qualifying for a waiver under items (ii) and (iii) of this item were performed by a repair technician and at a repair facility both certified under item (4) of this subsection;

(2) Notwithstanding the provisions of this section, may not grant a waiver if it is found in the testing process that factory-installed emissions equipment has been tampered with or removed, or that the vehicle has been misfueled;

(3) Unless otherwise prohibited by federal law, may grant additional waivers to extend the time for compliance in cases of financial hardship or for unusual circumstances;

(4) Shall establish criteria to certify repair technicians and facilities for the purpose of bringing vehicles into compliance with the applicable emissions standards, including the payment of reasonable fees to cover the costs of administering and overseeing the certification program;

(5) May provide for the suspension, revocation, or denial of renewal of the certification of a repair technician or facility upon evidence that vehicles repaired by that technician or facility for the purpose of bringing them into compliance with the applicable

emissions standards have repeatedly failed tests or retests and the Administration and the Secretary have clear and convincing evidence the repair technician or facility is not meeting satisfactory performance standards;

(6) Shall define the inspection parameters for the emissions equipment and misfueling inspection;

(7) Shall adopt a schedule for the exhaust emissions test;

(8) Shall adopt a schedule for the emissions equipment and misfueling inspections;
and

(9) Shall establish, under Title 2 of the Environment Article, emissions standards to be used for the exhaust emissions tests and emissions equipment and misfueling inspections of motor vehicles under this subtitle.

(d) (1) Notwithstanding subsection (c)(6) of this section or any other provision of law, during the period from January 1, 1995 through May 31, 1997, the emissions control program established under this subtitle may not require for any vehicle other than a State-owned vehicle or, to the extent authorized by federal law, a federally owned vehicle:

(i) Transient mass-emission testing using the IM 240 driving cycle referenced under 40 C.F.R. Part 51;

(ii) An evaporative system integrity (pressure) test or an evaporative system transient purge test that requires the disconnection or manipulation of any engine component, including any hose or emissions equipment, that is located in the vehicle's engine compartment;

(iii) Removal of the driver from a vehicle being tested or inspected; or

(iv) On-road testing.

(2) (i) The Administration, in consultation with the Secretary, shall develop and offer to owners of vehicles subject to the emissions control program an incentive program designed to encourage voluntary submission to the test described in paragraph (1)(i) of this subsection.

(ii) Notwithstanding the provisions of § 23-205(a)(2) of this subtitle and subsection (c)(1) of this section, the incentives offered under this paragraph may include reduced test fees, flexible test schedules, the waiver of late fees, the reduction of expenditures incurred for emissions related repairs necessary to obtain a waiver, and any other cost-effective incentive that is consistent with State and federal law and is reasonably expected by the

Administration to increase the number of vehicles that undergo the test described in paragraph (1)(i) of this subsection.

(iii) 1. The Administration shall notify vehicle owners of the opportunity to voluntarily submit a vehicle to the testing described in subparagraph (i) of this paragraph.

2. The notice required under this subparagraph shall be:

A. Prominently displayed at all emissions inspection facilities; and

B. Included by the Administration in test notices and other mailings related to the emissions control program that are directed to vehicle owners.

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Section 23-203 - Establishment of Facilities for Annual or Biennial Tests

Universal Citation: [MD. Transportation Code § 23-203 \(2022\)](#)

(a) (1) By rules and regulations, the Administration and the Secretary shall provide for the establishment of facilities to conduct any tests or inspections required to be performed under this subtitle.

(2) If the Administration and the Secretary determine that the system can be installed and operated more effectively and economically by an independent contractor than if installed and operated by the Administration and the Secretary, the Administration and the Secretary may award the installation and operation of the inspection facilities to an independent contractor selected in accordance with the bidding procedures established by the laws of this State.

(3) (i) If, on or after July 1, 1991, the Administration and Secretary are required by federal law to extend the emissions control program to additional areas of the State and the Administration and Secretary determine that the inspection facilities can be installed and operated more effectively and economically by one or more independent contractors than if installed and operated by the Administration and Secretary, the Administration and Secretary may:

1. Award the installation and operation of the inspection facilities to one independent contractor for the installation and operation of all inspection facilities in this State; or

2. Create separate regions of the areas of the State required to participate in an emissions control program for the purpose of separately awarding contracts for the installation and operation of the inspection facilities required for each region to one or more independent contractors.

(ii) All independent contractors shall be selected in accordance with the procedures established under the State Finance and Procurement Article.

(iii) The Administration and the Secretary may establish a statewide centralized or decentralized program or any combination of centralized and decentralized programs in separate regions of the State.

(b) If the program is awarded to an independent contractor to operate centralized inspection facilities, the facilities shall be provided, equipped, and maintained by the independent contractor, and the operating personnel of the facilities shall be employees of the contractor, and not of the State, and the contractor may not perform emissions related repairs as defined in § 23-201 of this subtitle.

(c) The Administration and the Secretary shall determine, on or before March 1, 1998, whether the following criteria for establishing a decentralized retesting program have been satisfied:

(1) Testing equipment and procedures, yielding results that correlate to tests and inspections performed at centralized inspection facilities in the State within 95% accuracy or within a different degree of accuracy approved by the Administration and the Secretary, are feasible for use in certified repair facilities approved for retesting of vehicles; and

(2) The establishment of a decentralized retesting option in the State does not result in a loss of emissions reduction benefits to the State under the federal Clean Air Act.

(d) If the Administration and the Secretary determine that the criteria listed in subsection (c) of this section have not been met in a given year, they shall determine, on or before March 1 of the succeeding year, whether the criteria have been satisfied in the intervening period.

(e) Notwithstanding subsections (a) and (b) of this section, if the program is awarded to an independent contractor to operate centralized inspection facilities and if the Administration and the Secretary have determined that the criteria listed in subsection (c)

of this section have been satisfied, the Administration and the Secretary shall propose regulations to:

(1) Allow the owner of a vehicle that fails an exhaust emissions test or emissions equipment and misfueling inspection at a centralized inspection facility to have the vehicle retested at either a centralized inspection facility or an approved certified repair facility;

(2) Allow a certified repair facility to retest vehicles if approved for that purpose by the Department of the Environment;

(3) Require the initial exhaust emissions test and emissions equipment and misfueling inspection in each biennial test cycle to be performed at a centralized inspection facility;

(4) Establish criteria for testing equipment, procedures, and reporting of retests for approved certified repair facilities;

(5) Provide for the suspension, revocation, or denial of renewal of approval for a certified repair facility to perform retests if the Secretary, or the Secretary's designee, determines that the facility has performed fraudulent retests or is not in compliance with the regulations adopted under this subsection; and

(6) Establish a reasonable fee for approval of a certified repair facility to perform retests, covering the costs of the approvals and oversight of the decentralized retesting program.

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Section 23-204 - Inspections to Be Conducted by Facilities

Universal Citation: [MD. Transportation Code § 23-204 \(2022\)](#)

The facilities established or approved under § 23-203 of this subtitle shall conduct the exhaust emissions tests and emissions equipment and misfueling inspections of motor vehicles to determine whether each vehicle complies with emissions standards established under this subtitle for that vehicle.

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Section 23-205 - Inspection Fees

Universal Citation: [MD. Transportation Code § 23-205 \(2022\)](#)

(a) (1) Subject to paragraph (2) of this subsection, the Administration and the Secretary shall set the fee to be charged for each vehicle to be inspected and tested by a facility.

(2) The fee established under this subsection:

(i) During the period from January 1, 1995 through May 31, 1997, may not exceed \$12; and

(ii) During the period after May 31, 1997, may not exceed \$14.

(b) The fee shall be collected in a manner established by the Administration and the Secretary.

(c) A specific portion of the fee shall be paid to or retained by the Administration to cover the cost of administration and enforcement of the emissions control program, as provided in the contract between the contractor and the State.

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Section 23-206 - Duty to Have Vehicle Inspected and Tested; Vehicles to Meet Standards and Requirements

Universal Citation: [MD. Transportation Code § 23-206 \(2022\)](#)

(a) An owner of a motor vehicle that is registered in this State shall have the vehicle inspected and tested as required under this subtitle.

(b) A motor vehicle registered in this State, unless exempted or given a waiver under this subtitle, shall meet the standards and requirements of this subtitle.

(c) Notwithstanding any rule or regulation to the contrary, the owner of any gasoline powered motor vehicle registered under § 13-916 of this article, with a maximum gross weight up to and including 26,000 pounds, shall have the vehicle inspected and tested as required under this subtitle.

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Section 23-206.1 - Exemption of Ambulances

Universal Citation: [MD. Transportation Code § 23-206.1 \(2022\)](#)

Notwithstanding any rule or regulation to the contrary and unless otherwise prohibited by federal law, any fire or rescue apparatus or ambulance owned or leased by a political subdivision of the State, or by a volunteer fire company, rescue squad, or volunteer ambulance company, that is registered as an emergency vehicle as defined in § 11-118 of this article, is exempt from mandatory inspections under this subtitle.

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Section 23-206.2 - Exemption From Inspection for Certain Vehicles

Universal Citation: [MD. Transportation Code § 23-206.2 \(2022\)](#)

(a) (1) A motor vehicle for which special registration plates have been issued under § 13-616 of this article is exempt from the mandatory inspections required by this subtitle if:

(i) All of the owners of the motor vehicle meet the disability requirements of § 13-616(b)(1) of this article;

(ii) The motor vehicle is driven 5,000 miles or less annually; and

(iii) The exemption is not otherwise prohibited by federal law.

(2) In order to qualify for an exemption under paragraph (1) of this subsection, all owners of the motor vehicle shall certify the following:

(i) That the owner of the motor vehicle meets the disability requirements of § 13-616(b)(1) of this article;

(ii) That the motor vehicle has been issued a special disabled person's registration number and special registration plates under § 13-616 of this article;

(iii) That the motor vehicle is driven 5,000 miles or less annually; and

(iv) The motor vehicle's odometer reading at the time of the certification.

(3) The certification required in paragraph (2) of this subsection shall be made on a form provided by the Administration.

(b) (1) A motor vehicle owned by an individual who is at least 70 years of age at the time of a scheduled mandatory inspection under this subtitle is exempt from the mandatory inspections required by this subtitle if:

(i) All of the owners of the motor vehicle are at least 70 years of age at the time of the scheduled mandatory inspection under this subtitle;

(ii) The motor vehicle is being driven 5,000 miles or less annually; and

(iii) The exemption is not otherwise prohibited by federal law.

(2) In order to qualify for an exemption under paragraph (1) of this subsection, all owners of the motor vehicle shall certify the following:

(i) That all of the owners of the motor vehicle are at least 70 years of age at the time of a scheduled mandatory inspection under this subtitle;

(ii) That the motor vehicle is being driven 5,000 miles or less annually; and

(iii) The motor vehicle's odometer reading at the time of the certification.

(3) The certification required in paragraph (2) of this subsection shall be made on a form provided by the Administration.

(c) (1) A motor vehicle owned by at least one active duty member of the armed services of the United States at the time of a scheduled mandatory inspection under this subtitle is exempt from the mandatory inspections required by this subtitle if:

(i) An owner of the motor vehicle who is a member of the armed services of the United States has received military orders:

1. For deployment outside the United States; or
2. To a duty station in a jurisdiction that is not subject to a vehicle emissions control inspection and maintenance program; and

(ii) The exemption is not otherwise prohibited by federal law.

(2) In order to qualify for an exemption under paragraph (1) of this subsection, all owners of the motor vehicle shall certify that at least one owner of the motor vehicle has received military orders for deployment outside the United States or to a duty station in a jurisdiction that is not subject to a vehicle emissions control inspection and maintenance program.

(3) The certification required in paragraph (2) of this subsection shall be made on a form provided by the Administration.

(d) The Administrator may adopt regulations as necessary to administer or enforce the provisions of this section.

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Section 23-206.4 - Zero-Emission Vehicles

Universal Citation: [MD. Transportation Code § 23-206.4 \(2022\)](#)

- (a) In this section, “zero-emission vehicle” means any vehicle that:
- (1) Is determined by the Secretary to be of a type that does not produce any tailpipe or evaporative emissions; and
 - (2) Has not been altered from the manufacturer’s original specifications.
- (b) A zero-emission vehicle is exempt from the mandatory tests and inspections required by this subtitle.
- (c) The Administration and the Secretary shall adopt regulations necessary to:

- (1) Provide for the determination of which vehicles are zero-emission vehicles; and
- (2) Implement the provisions of this section.

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Section 23-207 - Rules and Regulations for Implementation, Administration, Regulation, and Enforcement of Subtitle; Required Progress Reports

Universal Citation: [MD. Transportation Code § 23-207 \(2022\)](#)

The Administration and the Secretary may jointly adopt rules and regulations as required for purposes of implementation, administration, regulation, and enforcement of the provisions of this subtitle, including rules and regulations that, consistent with federal law, exempt certain vehicles from the inspections and tests under this subtitle.

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Section 23-209 - Fraud or Misrepresentation

Universal Citation: [MD. Transportation Code § 23-209 \(2022\)](#)

A person may not commit any fraud or make any misrepresentation in applying for or preparing documentation relating to this subtitle.